IN THE DISTRICT COURT OF THE UNITED STATES

FOR THE DISTRICT OF SOUTH CAROLINA

GREENVILLE DIVISION

Charles Gregory Price	)	Civil Action No.: 6:10-991-JMC-BHH
	)	
Plaintiff,	)	
	)	**REPORT AND RECOMMENDATION**
vs.	)	**OF MAGISTRATE JUDGE**
	)	
Woodsmart Solutions, Inc., et al.	)	
	)	
Defendants.	)	

The plaintiff is proceeding in this action *pro se*. On September 9, 2010, Defendants Bluwood USA, Inc., and Adolph Morando filed a motion to dismiss for lack of jurisdiction.[1] [Doc. 42.] On September 10, 2010, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), the plaintiff was advised of the summary dismissal procedure and the possible consequences if he failed to respond adequately. Despite this explanation, the plaintiff did not respond to the motion.

As the plaintiff is proceeding *pro se*, the court filed a second order on October 26, 2010, giving the plaintiff through November 17, 2010, to file his response to the motion to dismiss for lack of jurisdiction. The plaintiff was specifically advised that if he failed to respond, this action would be dismissed for failure to prosecute. The plaintiff elected not to respond.

Based on the foregoing, it appears the plaintiff no longer wishes to pursue this

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[1] This is an essentially renewed motion [Docs. 7, 8], which the Court had previously recommended for denial without prejudice while the defendants sought new counsel [Doc. 35]. As new counsel has made an appearance [Doc. 37], the renewed motion is ripe for consideration.

action. Accordingly, it is recommended that this action be dismissed *with prejudice* for lack

of prosecution and for failure to comply with this Court's orders, pursuant to Rule 41(b) of

the Federal Rules of Civil Procedure and the factors outlined in *Chandler Leasing Corp.*

v. Lopez, 669 F.2d 919, 920 (4th Cir.1982). *See Ballard v. Carlson*, 882 F.2d 93 (4th Cir.

1989).

           s/Bruce H. Hendricks
           United States Magistrate Judge

November 30, 2010

Greenville, South Carolina

The petitioner's attention is directed to the important notice on the next page.